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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,755	03/30/2005	Emmanuel Mittle	Q86678	1578
23373 7590 01/22/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER EPSTEIN, BRIAN M				
ART UNIT		PAPER NUMBER		
3628				
MAIL DATE		DELIVERY MODE		
01/22/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/529,755

**Applicant(s)**

MIETTE, EMMANUEL

**Examiner**

BRIAN EPSTEIN

**Art Unit**

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20081015.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-16 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 12-16 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of the Claims***

1. Claims 1-11 were previously pending in this application. Claims 1-11 were canceled and claims 12-16 were newly added in the reply filed October 15, 2008. Claims 12-16 are subject to a restriction requirement under unity of invention required for U.S. National Stage Applications filed under 35 U.S.C. §371. Please see below.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on December 24, 2003. In applicant's reply filed October 15, 2008, applicant states the certified copy of the French priority document was submitted during the PCT proceedings. Examiner has reviewed the application file and has received a copy of applicant's certified PCT priority document. Examiner thanks applicant for noting the submission of the certified copy of the priority document.

### ***Response to Amendment***

3. Examiner has reviewed applicants newly filed specification and has determined no new matter to be present and further, thanks applicant for correcting the specification. Examiner hereby withdraws the previously filed objection to the specification and has entered the newly filed specification filed October 15, 2008.

***Election/Restrictions***

4. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 12, 14, and 16, drawn to a method, system and apparatus of processing postal items in which an image is formed of each item in a sorting machine, the image including address information, and on the basis of the image of the item and a reference address base, OCR is used to perform automatic recognition of the destination address information to forward each item towards a sorting output of the sorting machine, and in which if said destination address for a current mail item is not recognized, unambiguously, said method comprises: identifying several delivery points from results of said recognition processing for said current mail item...detecting if said delivery points are included in a single delivery round...and, in response to said detection, computing a volume mail data for delivery range of said delivery round and comparing said volume mail data to a threshold value to forward said mail item towards a sorting output.

Group II, claims 13 and 15, drawn to drawn to a method and system of processing postal items in which an image is formed of each item in a sorting machine, the image including address information, and on the basis of the image of the item and a reference address base, OCR is used to perform automatic recognition of the destination address information to forward each item towards a sorting output of the sorting machine, and in which if said destination address for a current mail item is not recognized, unambiguously, said method comprises: identifying several delivery points from results of said recognition processing for said current mail item...computing several cumulated extra cost values of destination error from said delivery points, and; identifying a smallest extra cost cumulated value among the computer cumulated extra cost values and comparing said smallest cumulated extra cost value to a threshold value to forward said mail item towards a sorting output.

7. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: They are lacking a single inventive concept. Group II determines computes extra cost values of destination

error in the situation where the mail item is sent to the wrong address and then identifies the smallest extra cost cumulated value among the computer values, compares it to a threshold value and then forwards the mail piece based on that destination. Although Groups I and II are both designed to process postal items that have been imaged through OCR and then routed by the claimed methods in the situation where the destination address of the mail item cannot be recognized, groups I and II perform that process in unrelated ways. Each of Group I and Group II have different inventive concepts which are appropriate for restriction under the lack of unity of invention standard required by a national stage application under 35 U.S.C. §371.

8. A telephone call was made to Mr. David Cushing on January 16, 2009 to request an oral election to the above restriction requirement, but did not result in an election being made.

9. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN EPSTEIN whose telephone number is (571)270-5389. The examiner can normally be reached on Monday-Thursday 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. E./  
Examiner, Art Unit 3628  
January 16, 2009

/John W Hayes/  
Supervisory Patent Examiner, Art Unit 3628